

## REMARKS

### Status of Claims

Claims 1-24 are pending in this application, and subject to a Restriction Requirement (species election). No amendments are being made. After entry of this document, **claims 1-24 are pending** and ready for substantive examination.

### Telephone Interviews

Applicants thank the Examiner for discussing this case with the undersigned representative on December 15, 2006. Applicants' representative explained that the requirement to elect a single phosphatase in claim 7 is improper because the claims (including claim 7) do not recite any phosphatases. The Examiner agreed that the election was erroneously included and that Applicants need not respond to it. This requirement will not be discussed below.

Applicants also thank the Examiner for discussing this case with the undersigned representative on January 9, 2006. Applicants' representative discussed the requirement of the Election of a single additional method step with the Examiner. The Examiner explained that the independent claim (claim 1) would be search alone and then, in combination with the elected single additional method step. The rational for requiring the election of an additional method step was discussed.

### Response to Restriction Requirement

The Office contends that the pending claims are directed to more than one species of the generic invention and has required restriction to one alleged species under PCT Rule 13.1. The three (four) species elections that are required by the Office are:

- (1) Election of a single additional method step;
- (2) Election of a single manipulation; and
- (3) Election of a single molecular species.

Applicants traverse the species elections and particularly election (1), at least because claim 1 includes a special technical feature that joins the claimed species and searching more than one of the alleged species would not be overly burdensome. Applicants respectfully disagree with the statement that Englert *et al.* (Cancer Research, 2000) teach the limitations of generic claim 1. Englert *et al.* do not disclose the special technical feature of an External Movement Inhibitor device. Therefore, there is a special technical feature that joins the claimed species, and the requirement that Applicants to select a single additional method step should be withdrawn.

Applicants provisionally elect (1) the additional method step provided in claim 7, (2) the single manipulation of “assaying of a biomolecule” and (3) “a nucleic acid” species for the initial search and examination.

The Office also has required that “a listing of all claims readable on the elected species” be provided. Claims 1-7 and 9-14 encompass the elected species.

Applicants thank the Examiner for recognizing that upon the allowance of a generic claim (*e.g.*, claim 1), Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141.

### CONCLUSION

Substantive examination of the pending claims is respectfully requested. The Examiner is invited to call the undersigned if the Examiner believes that a telephone interview would facilitate substantive examination of this application.

Respectfully submitted,

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